

REMARKS

Claims 1 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Demetrescu et al. (US 6,647,262 B1, Lucent). The remaining claims 2-14 and 16-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demetrescu et al. in view of Hurtta et al. (US 2004/0017798). These rejections are respectfully disagreed with, and are traversed below.

An aspect of claim 1 is a method for operating a mobile station in cooperation with a network operator, where the method includes:

upon an occurrence of a RR procedure, including HO and CRS, that affects the mobile station, determining if a **location procedure** is ongoing in the mobile station; and

if it is, completing the **location procedure** and reporting measurement results in a message from the mobile station to a target radio network controller.

An aspect of claim 15 is a wireless communications system having at least one mobile station for communicating with a network operator, and includes:

a controller in said mobile station, responsive to an occurrence of a RR procedure, including HO and CRS, that affects the mobile station, for determining if a **location procedure** is ongoing in the mobile station and, if it is, for completing the **location procedure** and for reporting measurement results in a message transmitted from the mobile station to a target radio network controller.

The Examiner refers, for example, to Demetrescu et al. at col. 2, lines 10-30, and col. 3, lines 17-26, for teaching "handover, cell reselect with measurement report and mobile operated with network controller", and to other locations for purportedly teaching the claimed subject matter.

This rejection is respectfully disagreed with.

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The Examiner is respectfully reminded that for a rejection to be made on the basis of anticipation, it is well recognized that "to constitute an anticipation, all material elements recited in a claim must be found in one unit of prior art", Ex Parte Gould, BPAI, 6 USPQ 2d, 1680, 1682 (1987), citing with approval In re Marshall, 578 F.2d 301, 304, 198 USPQ 344, 346 (CCPA 1978).

In the instant case the foregoing criterion is clearly not met. While Demetrescu et al. disclose handover and measurement reporting techniques in GPRS/EGPRS mobile systems, the problem that they appear to address relates to the interruption of data flow during a cell-to-cell handover (see, for example, col. 1, lines 41-63).

Significantly, the words "location" or "position" are not found in Demetrescu et al. That is, Demetrescu et al. do not address the problems that are addressed and solved in accordance with the embodiments of this invention, and clearly do not contain subject matter that would anticipate claims 1 and 15 as filed. Should the Examiner believe otherwise, he is respectfully requested to point out with more particularity where the subject matter found in claims 1 and 15 is disclosed by Demetrescu et al. Absent such a showing the rejection under 35 U.S.C. 102(e) must be withdrawn.

In that claims 1 and 15 are clearly patentable over Demetrescu et al., then dependent claims 2-14 and 16-28 are also patentable over Demetrescu et al. in view of Hurtt et al.

Still further in this regard, the undersigned attorney has determined that the Applicant in the PCT application PCT/EP00/04647, that is the priority application to Hurtt et al., was Nokia Networks. Thus, this application and the reference Hurtt et al. were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

The Examiner is respectfully requested to reconsider and remove the rejections of claims 1-28.

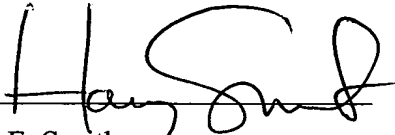
Claim 29 has been newly added, is supported in the specification as filed, and is also deemed to be clearly novel and patentable over Demetrescu et al. A favorable consideration that also results

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in the allowance of claim 29 is earnestly solicited.

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